

REMARKS

Claims 10-18 remain pending in the current Application. Claims 1-9 are cancelled; claims 10 and 14 have been amended; and claims 15-18 have been added. Applicants submit that the amendments do not add new matter to the current Application. All the amendments herein have been made in order to clarify the claims and not for prior art reasons. Applicants also submit that (1) no amendment made was related to the statutory requirements of patentability unless expressly stated herein, and (2) no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

Applicants have not received an initialed copy of the PTO SB/08 form submitted with the filing of this divisional. Therefore, Applicants submit that the Examiner initial the PTO SB/08 form and return it to the Applicants. Note that the references cited on this PTO SB/08 form correspond to those previously submitted for the parent application having serial number 09/641,002 filed on August 17, 2000.

Applicants are amending the specification to include a statement that this a divisional application. Note that this information is correctly reflected in the Filing Receipt.

Applicants respectfully submit that claims 10 – 18 are patentable over US Patent No. 6,392,258 (hereinafter referred to as Hirata). With respect to claim 10, Applicants submit that Hirata does not teach or suggest each and every element of claim 10. For example, Applicants have amended claim 10 to include that an exposed portion of the base layer is adjacent the emitter layer and the base contact. Hirata does not teach or suggest this limitation. Referring to FIG. 3(b) of Hirata, the base electrode 9 is in contact with the emitter layer 5, thus there is no exposed portion of the base layer 4 that is adjacent the emitter layer 5 and the base electrode 9. Therefore, for at least these reasons, Applicants submit that claim 10 is patentable over Hirata. Claims 11-13 depend directly or indirectly from allowable claim 10 and are therefore also allowable for at least those reasons provided above with respect to claim 10.

With respect to claim 14, Applicants submit that claim Hirata does not teach or suggest each and every element of claim 14. For example, Applicants have amended claim 14 to include that the base contacts “are laterally spaced apart from the emitter layer.” Hirata also does not teach or suggest this limitation. For example, as seen in FIGs. 3(a) and 3(b) of Hirata, base

electrode 9 is in contact with emitter layer 5 and is therefore not laterally paced apart from the emitter layer. For example, as seen in reference to FIGs. 6 and 7 of the current Application, base contact 660 may be laterally spaced apart from emitter layer 280, thus leaving a region AA between base contact 660 and emitter layer 280. Therefore, for at least these reasons, Applicants submit that claim 14 is patentable over Hirata. New claim 15 is dependent from claim 14 and therefore is allowable for at least those reasons provided with respect to claim 14.

Applicants have added new claim 16 which is similar to originally filed claim 10 but that includes "a portion of the dielectric layer is between the base layer and the base contact." Hirata also does not teach or suggest this limitation. For example, the Examiner states that layer 14 of Hirata (as seen in FIGs. 3(a) and 3(b)) teaches the dielectric layer. However, in Hirata, no portion of layer 14 is between base layer 4 and base electrode 9. Therefore, for at least these reasons, Applicants submit that claim 16 is patentable over Hirata.

Applicants have also added new claim 17 which is similar to originally filed claim 10 but that includes "wherein the base contact is laterally spaced apart from the emitter layer." Hirata also does not teach or suggest this limitation. For example, as seen in FIGs. 3(a) and 3(b) of Hirata, base electrode 9 is in contact with emitter layer 5 and is therefore not laterally paced apart from the emitter layer. For example, as seen in reference to FIGs. 6 and 7 of the current Application, base contact 660 may be laterally spaced apart from emitter layer 280, thus leaving a region AA between base contact 660 and emitter layer 280. Therefore, for at least these reasons, Applicants submit that claim 17 is patentable over Hirata.

Applicants have also added new claim 18 which is similar to originally filed claim 14 but that includes a dielectric layer, wherein "a portion of the dielectric layer is between the base layer and the base contact." Hirata does not teach or suggest this limitation. For example, as discussed above, the Examiner states that layer 14 of Hirata (as seen in FIGs. 3(a) and 3(b)) teaches the dielectric layer. However, in Hirata, no portion of layer 14 is between base layer 4 and base electrode 9. Therefore, for at least these reasons, Applicants submit that claim 18 is patentable over Hirata.

C nclusion

Although Applicants may disagree with statements made by the Examiner in reference to the claims and the cited references, Applicants are not discussing all these statements in the current Office Action, yet reserve the right to address them at a later time if necessary.

Applicants respectfully solicit allowance of the pending claims. Contact me if there are any issues regarding this communication or the current Application.

If Applicant has overlooked any additional fees, or if any overpayment has been made, the Commissioner is hereby authorized to credit or debit Deposit Account 502117.

Respectfully submitted,

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